

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 27213 of 2007(M)

PETITIONER:

ALEYKUTTY THOMAS,
W/O LATE THOMAS CHACKO, VATTAKKATTIL HOUSE,
VELLAYAMKUDI P.O., KATTAPPANA,
IDUKKI DISTRICT.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

1. ACCOUNTS OFFICER,
KERALA STATE HOUSING BOARD,
IDUKKI DIVISION, KATTAPPANA.
2. KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.
3. DISTRICT COLLECTOR,
IDUKKI.

R1 AND R2 BY SC SRI. A. JAYASANKAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 27213 OF 2007

Dated this the 13th day of September, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of house building loan availed by the petitioner from the Housing Board. Loan is secured on 15 cents of land and a house thereon. The arrears are stated to be around Rs. 7.5 lakhs. Petitioner's case is that her husband died after protracted illness which led to default and recovery proceedings. Petitioner has no regular income to repay the arrears in instalments. Counsel for the petitioner submitted that interest charged is exorbitant. The only way to settle the liability is to sell the property at market value by the petitioner herself and settle liability so that balance received can be retained by her for acquiring another house or for her livelihood. I feel petitioner should be given an opportunity to sell the property and settle liability. Besides this there will be direction to the Housing Board to grant OTS benefit to the petitioner if it is currently available or to grant benefits under the last OTS scheme and to charge interest at the current rate till date of

payment. First respondent will give a statement of accounts to the petitioner indicating the incentives that are available and the amount payable by the petitioner for the petitioner to remit the amount with future interest at the rate to be communicated in the demand notice. Petitioner is granted time till 31.12.2007 to settle liability. Petitioner can advertise the property for sale and negotiate terms and even enter into agreement for sale. However, sale deed will be executed only after arrears are cleared as above to the Housing Board. If the petitioner does not settle liability on or before 31.12.2007, then respondents can dispossess the petitioner from the house, take over possession and sell the mortgaged property for recovery of arrears.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

